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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,396	04/09/2004	Juergen Kochler	3081.65US01	8440
24113	7590	12/20/2004	EXAMINER	
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A. 4800 IDS CENTER 80 SOUTH 8TH STREET MINNEAPOLIS, MN 55402-2100			MARTINEZ, JOSEPH P	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/821,396	KOEHLER ET AL.	
	Examiner	Art Unit	
	Joseph P. Martinez	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-20, 22-29 and 31 is/are rejected.
- 7) ☒ Claim(s) 21 and 30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8-25-04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

The disclosure is objected to because the applicant does not set forth the proper headings.

Correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

Claims 12 and 23 are objected to because of the following informalities: Claims 12 and 23 are not punctuated and therefore not complete sentences. Appropriate correction is required. For purposes of examination, the office interprets claims 12 and 23 to have a period after the last word of the last line, respectively.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 16-20, 23 and 27-29 rejected under 35 U.S.C. 102(b) as being fully anticipated by Agata (6469839).

Re claims 12 and 23, Agata teaches for example in fig. 1A and 1B, a projections system or a method of supporting elements in a projection system, the projection system having a chassis (projector body, not shown, col. 5, ln. 55-56), the projection system comprising: a carrier (1a, 1b); an image generating element (LCD, not shown, col. 5, ln. 60); a first optical element (focus elements of 7, wherein the office interprets the 5+ lenses closest to the Outgoing Light Side to incorporate the focus elements) supported by a first mechanical holder (5); a second optical element (zoom elements of 7, wherein the office interprets the 11 lenses closest to the Incident Light Side to incorporate the zoom elements) supported by a second mechanical holder

(4); the image generating element, the first optical element and the second optical element being located on a common optical axis (col. 6, ln. 1-3); at least one of the first mechanical holder and the second mechanical holder being movably supported by the carrier (via 2a, 2b, 8a and 8b) such that at least the first mechanical holder or the second mechanical holder is movable in a direction parallel to the common optical axis (col. 6, ln. 4-14).

Re claim 16, Agata further teaches for example in fig. 1A, the first optical element comprises a focusing element (col. 6, ln. 4-9) and the second optical element comprises a zoom element (col. 6, ln. 10-14).

Re claims 17 and 27, Agata further teaches for example in fig. 1A, at least one of the first mechanical holder or the second mechanical holder is supported by threaded members that convert rotational movement into axial movement (col. 6, ln. 4-9).

Re claim 18, Agata further teaches for example in fig. 1A, the first mechanical holder and the second mechanical holder are movable independently of one another (col. 6, ln. 4-14, wherein the office interprets Agata to teach the focusing and zooming adjusting are independent of each other).

Re claims 19 and 28, Agata further teaches for example, comprising guide cams (col. 6, ln. 11-12) controlling the movement of the threaded members thus controlling the axial movement of the second mechanical holder (col. 6, ln. 10-14).

Re claims 20 and 29, Agata further teaches for example in fig. 1A and 1B, comprising line guides (2a, 2b) between the carrier (1a, 1b) and at least one of the first mechanical holder or the second mechanical holder to allow axial movement (col. 6, ln. 4-14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-15, 22, 24-26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agata (6469839).

Re claims 13 and 24, Agata teaches the projector as disclosed above, including fixing the carrier (1a, 1b) and chassis (projector body, not shown, col. 5, ln. 55-56).

But, Agata fails to explicitly teach the carrier is integrally formed with the chassis.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to integrally form the carrier in the chassis, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Agata to include integrally forming the chassis and carrier in order to reduce the number of parts.

Re claims 14, 22, 25 and 31, Agata teaches a light source and the image generating means (light source and LCD, not shown, col. 5, ln. 59-60).

But, Agata fails to explicitly teach a light source or the image generating means is fixedly supported by the carrier.

However, Agata teaches for example fixing the carrier (1a, 1b) and chassis (projector body, not shown, col. 5, ln. 55-56). Furthermore, the office interprets the light source and the image generating means to be fixedly supported by the projector body via the lens holding portions, as is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Agata to explicitly teach the light source or the image generating means is fixedly supported by the carrier in order to maintain proper optical alignment.

Re claims 15 and 26, Agata teaches the projector as disclosed above, including fixing the carrier (1a, 1b) and chassis (projector body, not shown, col. 5, ln. 55-56).

But, Agata fails to explicitly teach the carrier is separable from the chassis.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the carrier be separable from the chassis, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Agata to include making the chassis and carrier separable in order to able to repair or replace individual parts.

Allowable Subject Matter

Claims 21 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art taken alone or in combination fails to anticipate or fairly suggest the limitations of the claims, in such a manner that a rejection under 35 USC 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in dependent claims 21 and 30.

Specifically regarding claims 21 and 30, Agata teaches the state of the art of a projection system or method of supporting elements in a projection system.

But, Agata fails to explicitly teach either the first mechanical holder or the second mechanical holder is fixedly supported by the carrier and the other of the first mechanical holder or the second mechanical holder is movable relative to the carrier and the carrier is moved along with fixedly supported mechanical holder while the movable mechanical holder is held stationary relative to the chassis, as claimed.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph P. Martinez whose telephone number is 571-272-2335. The examiner can normally be reached on M-F 7:00 AM to 3:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
12-10-04


Hung Xuan Dang
Primary Examiner